

EXTRA REPRESS.

A Bill to Prevent the Unjust Commitment of Children.

THE EVENING WORLD CRUSADE

Elbridge T. Gerry Himself the Author of the Measure.

Everybody remembers the sturdy fight which the EVENING WORLD made in the last Legislature for the bill which provided for a review by a superior tribunal of the cases of children committed by police magistrates to asylums and other institutions.

That measure, designed as a safeguard against the injustice often done to parents and guardians by hasty commitments where all the facts and circumstances have not been brought out before the police magistrate, failed to become a law.

Despite defeat, however, THE EVENING WORLD has not given up its struggle for the principle which it so persistently championed last year, and this week there will be introduced in the Legislature a bill that will provide a sure and adequate remedy, and which it may be predicted with almost absolute certainty will become a law within a very few weeks.

The new bill has been drawn up by no less able and learned a lawyer than President Elbridge T. Gerry, of the Children's Society, who was the principal opponent of last year's bill.

He has come around, however, during the interval, to THE EVENING WORLD's way of thinking, and has admitted very frankly that an evil has existed in the past which demands a speedy and complete remedy, and he has constructed a bill which will, as he has shown, fill every requirement of the case.

"The first case which THE EVENING WORLD brought up a year ago," said Mr. Gerry to-day, in conversation with a reporter, "set me thinking, and when other cases of the same kind had been taken up and decided against me, I came to the conclusion that THE EVENING WORLD was right in demanding an amendment of the present law."

Last winter, when THE EVENING WORLD's bill was pending in the Legislature, I had been studying up the matter for some time, but had not fully worked out my idea as to what sort of a measure would best answer the purpose. That is the reason I did not introduce a measure of my own.

"I opposed THE EVENING WORLD bill conscientiously, for I believed then and still am convinced that it was not what was needed, will explain."

"In that bill the remedy proposed was by writs of habeas corpus and certiorari. Now, any bill which gives a judge the power to go behind a final decision in a criminal case, as these commitments are to be regarded under the Penal Code, on a writ of habeas corpus, is a violation of the principles of the law as established in the courts of this State."

Besides being a cumbersome method, it would also be expensive, for a judge would have to take the matter for a reference to take testimony, and the parents or the institution having custody of the child would be obliged to pay big fees, according to the decision of the referee.

"What the new bill proposes is strictly in accord with the provisions of the Code of Criminal Procedure as they exist to-day, and the remedy already exists in the law. The object of the proposed amendment is to make the law more specific, and to add other provisions which will be especially applicable to these cases of commitments where a review of a case on its merits is desired."

In other words, the remedy is by appeal. Section 743 of the Code of Criminal Procedure provides that:

parents of the child, but any one who had the legal custody of the child at the time of its commitment shall be authorized to apply for it.

The same time limit shall run as at present, that is, within ten days of the commitment, but in cases where the commitment has been made without the knowledge of the lawful guardian of the child, and the time has elapsed within which the appeal shall be taken, the judge may in his discretion order an appeal. This provides against all accidents, shutting off the right of the parents or others to appeal.

Another provision is made for the taking of stenographic minutes by the police magistrate in all cases of commitment, so that the uncertainties of the oral testimony as now taken will be avoided and a full record kept of each case.

An amendment is also made to section 755, in regard to the manner of delivering the affidavit and allowance of appeal, as the Clerk of Special Sessions will have nothing to do with these matters.

The general disadvantages of the habeas corpus proceeding will thus be avoided, and justice will be rendered with greater speed and certainty, while the merits of each case will be fully reviewed by the other tribunal.

The Appellate Court is given the widest discretion in all matters of appeal, so that there is very little danger of a miscarriage of justice, and all parties can be heard.

In uniting with THE EVENING WORLD in securing a remedy for the existing evil, Mr. Gerry expressed his admiration of the energy with which the campaign had been conducted thus far by the champion of reform, and said that he was convinced that if the work was carried on in concert in the future there was not the slightest doubt that the bill would be passed by both branches of the Legislature and signed by the Governor without opposition.

The bill will be introduced to-day or to-morrow.

PUT OUT THE DEAD BODY.

Chinamen Cast a Countryman's Corpse Into the Gutter.

A citizen, passing through Doyer street about 9 o'clock this morning, had his attention attracted by the mysterious performances of some Chinamen in the basement of No. 17.

He saw a Chinaman, after peering out from a crack in the door, cautiously ascend the steps and look up and down the street.

Few pedestrians were about, and the Chinaman gave utterance to a peculiar cry, and then rapidly spoke three or four words in his guttural language.

The doors of the basement were thrown wide open.

A crowd of Chinamen appeared in the doorway, carrying something between them, and as they mounted the stone steps they saw with horror that it was the body of a Chinaman.

It was wrapped in an overcoat, and three Chinamen had hold of the edges of the coat.

While the spectator was still looking the Chinaman let go of the overcoat and the body rolled into the gutter.

The body of the dead Chinaman was still in the gutter, and a knot of people stood around curiously gazing at it.

The basement doors were broken, and while the police emerged they had seven prisoners.

They were marched to the Elizabeth street police station, and the body, still in the gutter, was taken to an undertaker.

The red stuff on the dead man's face was found upon close examination to be red paint.

The seven prisoners were afterwards taken to the Coroner's office, where they were released by Coroner Hanly.

The prisoners all live at 17 Doyer street. It is a lodging-house, furnished with a bed, a table, a chair, a stove, and a sink.

GORE MAY BE SPILLED YET.

Major Clark Held for Shooting at Col. Rindolph.

Prospect that the Quarrel May Be Settled on "The Field of Honor."

Jefferson Market Police Court is not ordinarily a popular resort for the local aristocracy, but this morning it was the rendezvous of a considerable contingent of swiftness.

Major William Hancock Clark, whose pistol practice in West Twenty-fifth street last Friday evening resulted in his arrest, was there to be arraigned.

His intended victim, Col. William Randolph, was also there to make a charge of felonious assault against the Major, and a dozen or more members of the Southern Society were on hand to watch the proceedings and lend support and sympathy to both sides in the controversy.

Major Clark was accompanied by Detectives Brett and Hayes, of Capt. Reilly's squad, who arrested him last night, and William J. Hardy, his counsel.

The Major, although a man of imposing appearance, had a scared look on his face as he stepped up at the bar in front of Justice Hogan, and a big circular patch of pink cork-plaster on his left cheek-bone added to his generally broken-up appearance.

Mr. Randolph had simply sworn to a brief affidavit, which recited that Major Clark, now here, had wilfully and feloniously assaulted him on the evening of Jan. 10 with a loaded revolver and fired three shots at him.

Justice Hogan asked the accused what he had to say, and Lawyer Hardy replied that his client would reserve his defense for the present and waive examination.

He also asked that the station-house bail be reserved for an amount given by Capt. Conner, of the St. James Hotel, last night at the Nineteenth Precinct Station be continued.

Judge Hogan decided that a new bond should be given, and Capt. Conner will have to go to the Court-house this afternoon to comply with this requirement.

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A DEATH GALE.

Eleven Lives Lost in the Frightful Cyclone at Clinton, Ky.,

AND 50 PEOPLE INJURED.

The Storm in Canada--A Train Blown from the Track.

(SPECIAL TO THE EVENING WORLD.)

WASHINGTON, Jan. 13.—The Weather Department has received the following official report from the Clinton, Ky., Signal Corps, dated Jan. 13:

Eleven killed, fifty wounded, seventy houses destroyed by cyclone here to-day. The list of dead, as far as at present known, is as follows:

A. PHADES and two children. MRS. WILLIAM BONE. BERNETT BONE. WALTER NANCE. J. W. CODDIE and babe. JUDIE HODGES and child. One babe unidentified.

MONTREAL, Jan. 13.—A terrible gale has set in here.

The Grand Trunk express from Quebec was blown from the track at St. Hilare. The cars caught fire and several passengers were seriously injured.

QUINCE, Jan. 13.—It is blowing a hurricane here. The river is as open as in Summer.

PRACOTT, Ont. Jan. 13.—The steeple of the Presbyterian Church was blown down this morning in the gale.

BUFFALO, Jan. 13.—The wind is blowing ninety miles an hour here. Much damage done. The wires are in awful shape.

Major Clark confesses to a meeting on the field of honor during his early career, but he is willing to compromise now. Mr. Randolph has a suit on for \$25,000 at the present time.

Major Clark will put in the plea of self-defense.

Many of the members of the Club believe that the dispute has gone so far that, whatever may be the outcome of the court proceeding, it can only be settled by the code.

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AN "L" HORROR.

Flagman Michael Graham Cut to Pieces on a Brooklyn Road.

TRIED TO CROSS THE TRACK.

Disembowelled and One Leg Falls Into the Street.

(SPECIAL TO THE EVENING WORLD.)

A sickening catastrophe occurred on the Union Elevated road in Brooklyn early this morning.

Flagman Michael Graham, sixty-eight years old, of 81 Waverly avenue, was crushed to death by a Fifth avenue train at the City Hall station.

Graham's body was frightfully mangled. He was disembowelled. One leg was cut off and fell into the street, while the rest of his body is a shapeless mass of flesh, bones and clothing.

The accident occurred at 5.45 o'clock this morning.

Graham was the flagman stationed in the little signal box just at the curve where the trains turn into Myrtle avenue from Adams street.

Graham was on the train which arrived at the City Hall station at 5.45 o'clock.

It has been his invariable custom to wait until the train had moved out, then clamber down to the track and cross to his signal box.

He has been repeatedly warned to go down to the street and ascend the uptown stairs, thence to his box, but has just as frequently disregarded the warnings.

This morning, as usual, he waited until the train pulled out, then lowered himself to the track. He was a stout man, weighing in the neighborhood of 200 pounds.

It is thought that the noise of the departing train hindered him from hearing the arrival of the Fifth avenue train, which followed close behind.

Graham was struck by the locomotive, and the next instant the heavy train was tearing and mangling his body in a shocking manner.

The engineer, Charles Crane, knew that his engine had struck something, but owing to the darkness could not tell what it was.

A pedestrian heard a shriek of mortal agony, but the hissing steam and rattle of the wheels drowned all noise to the ears of the ticket-seller and chopper, who were on duty at the time.

The train was stopped and the engineer and trainmen, armed with lanterns, went back over the track, there to find a shapeless mass, which they had some difficulty in recognizing as Graham.

The mangled remains were carried to the First Precinct Station-house, which is under the shadow of the station, and the Coroner was notified.

Engineer Crane was placed under arrest.

Graham leaves a son and daughter. The son is a letter-carrier in Brooklyn.

The accident caused a delay of an hour and gave rise to the rumor that a collision had occurred, causing great excitement along the line.

UNEASY LIES THE HEAD THAT WEARS THE CROWN.

A MILLIONAIRE'S WILL.

John H. Shoenberger Makes Many Handsome Bequests.

(SPECIAL TO THE EVENING WORLD.)

A copy of the will and codicil of the late John H. Shoenberger was filed for probate to-day.

In it bequeaths to his widow the houses 43 West Fifty-seventh street, 11 East Fifty-sixth street and 907 Fourth avenue, with all its furniture, plate and works of art.

She also receives 2,100 shares of the Pittsburg, Fort Wayne and Chicago Railroad. He gives \$100,000 to each of his sisters, Anna M. Watts and Elizabeth S. Lytle, the principal and also a part of ground 300 by 250 feet, on the corner of Forty-sixth and Tenth streets, for the foundation of a hospital similar to St. Luke's in this city. He gives \$250,000, with an addition of \$100,000 for furnishing it and fitting up the grounds.

Other bequests are \$15,000 to the Church Home Association of New York; \$15,000 to the Bishop Neasey Mission of Minnesota; \$15,000 to the Church of the Holy Trinity, in Pittsburgh; and \$15,000 to the Domestic and Foreign Missionary Society of the United States.

The Algonquin Cemetery Corporation receives \$50,000.

Of the residue, an additional \$250,000 is left to the hospital.

The codicil gives \$10,000 to Margaret Shoenberger, the daughter of the late John H. Shoenberger, of Tinton, N. J.

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PORTUGAL'S MINISTRY OUT.

The Country Agitated and in Fear of Further Disturbance.

(SPECIAL CABLE TO THE EVENING WORLD.)

LISBON, Jan. 13.—The Portuguese Ministry has resigned.

Agitation continues, and the situation is critical.

Further acts of violence like yesterday's attack by the mob of students and others on the British Legation are feared.

The editorial expressions over England's untimely policy, as they style it, are very bitter, and the papers also complain of the lack of sympathy on the part of other powers.

Lord Salisbury's ultimatum, demanding Portugal's full surrender in Africa, made despite Bismarck's request for more pacific proceedings, is an unexpected thunderbolt, the force of which is felt more every moment.

Aside from the popular indignation over the matter, the Government finds cause for worry and chagrin in the fact that, not too strongly entrenched in the people's favor before, it is now exposed to new dangers and possible continuance on account of the overbearing attitude of England and its own practical helplessness.

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EXTRA OUTSIDERS.

Monte Cristo, a 50 to 1 Chance, Wins at Clifton To-Day.

HE PAID \$146.85 FOR \$2.

(SPECIAL TO THE EVENING WORLD.)

CLIFTON RACE TRACK, N. J., Jan. 13.—Sunshine and rain both prevailed for a time at Clifton to-day. It rained slightly before the races began, but when the last special arrived it was fine and clear, causing many to remark that "it is a glorious day," but they were forced to hedge in their opinions, as it began to cloud up and look threatening towards the close of the day.

The crowd are loud in their complaints about the transportation furnished them by the Erie Railroad. Nearly every day one of the specials was late through the air-brakes getting out of order or the engine losing its steam, causing the trains to travel at a snail's pace.

The first 1 o'clock special was no late that most of the crowd missed the first race. That race was backed very heavily and sent to the post the favorite for the first race. When the flag fell he was last and nearly left at the post, and thus ended his chances.

The result was a close finish in which the boys did about as they pleased in the second race and caused a long delay. Donagan was the favorite, but when the flag fell he was last and nearly left at the post, and thus ended his chances.

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